

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

SANDRA IVETTE CORTES TORRES

DEBTOR

CASE NO 15-02973 MCF

CHAPTER 13

**DEBTOR'S MOTION IN COMPLIANCE WITH ORDER DOCKET NO. 22
RE: TRUSTEE'S MOTION ON NON DELIVERY OF TAX REFUNDS
DOCKET NO. 21**

TO THE HONORABLE COURT:

COMES NOW, SANDRA IVETTE CORTES TORRES, the Debtor in the above captioned case, through the undersigned attorney, and very respectfully states and prays as follows:

1. On May 10, 2018, the Chapter 13 Trustee filed a *Trustee's Motion on Non Delivery of Tax Refunds*, Docket No. 21, stating that the Debtor has not provided to the Trustee a copy of the Debtor's 2014, 2015, 2016 and 2017 tax returns to determine whether or not the Debtor is complying with the confirmed Plan tax refund provision.

2. On June 22, 2018, this Honorable Court issued an ORDER whereby the Debtor was ordered to comply with the Trustee's request (Docket No. 21) within fourteen (14) days, due by 07/06/2018. ORDER, Docket No. 22.

3. On July 16, 2018, this Honorable Court issued an ORDER (Docket No. 24) to schedule a hearing for October 04, 2018, to consider the *Trustee's Motion on Non Delivery of Tax Refunds* (Docket No. 21). ORDER, Docket No. 24.

4. The Debtor hereby respectfully states that the Debtor was unable to comply within the due date of 7/06/2018 since the Debtor was under the understanding that at the 341 meeting of creditors held on May 26, 2015 (Docket No. 10) the Chapter 13 Trustee had informed the Debtor that due to the circumstances presented by the Debtor in this case, it was not necessary to pay the future tax refunds received during the life of the Plan.

5. On July 16, 2018, the Debtor, through her attorney, requested an oral transcript (recorded in a CD) of the aforesated 341 meeting, which was delivered by the Trustee to the Debtor's attorney on July 25, 2018. The oral transcript of said 341 meeting reveals that the Chapter 13 Trustee did waive the payment of the 2014 tax refund that the Debtor, as of the date of said 341 meeting 05/26/2015, had not received. However, the Trustee did advise/inform the Debtor that she was under the obligation to pay into the Plan, all future tax refunds (2015, 2016 and 2017).

6. The Debtor respectfully states that on August 15, 2018 the Debtor sent to the Chapter 13 Trustee (uploaded to the Trustee's system) a copy of the Debtor's 2014, 2015, 2016 and 2017 tax returns.

7. That the Debtor's tax returns reflect the following tax refunds:

---2015	\$240.00
---2016	\$230.00
---2017	<u>\$240.00</u>
Total refunds	\$710.00

8. That on May 21, 2018 the Debtor made a \$200.00 payment and on June 25, 2018, the Debtor paid another \$200.00 to the Plan. Furthermore, on August 15, 2018, the Debtor sent to the Chapter 13 Trustee a postal money order 25301057466 in the sum of \$310.00, in order to complete the \$710.00 payment to cover the aforesated 2015, 2016 and 2017 tax refunds.

9. It is to be noted that the Debtor's confirmed Plan (Docket No. 02) provides for payments of \$200.00 for thirty-six (36) months, for a total base of \$7,200.00. The Debtor respectfully states that she [the Debtor] has completed all payments under the terms of the confirmed Plan, having paid the sum of \$7,200.00 plus the \$710.00 for the 2015, 2016 and 2017 tax refunds, for a new total base of \$7,910.00, in the above captioned case. The Debtor is entitled to a discharge upon completion of all payments under the Plan. 11 U.S.C. Section 1328(a).

WHEREFORE, the Debtor respectfully requests from this Honorable Court to grant the present motion in compliance with ORDER, Docket No. 22, set aside the October 4, 2018 hearing (Docket No. 24), and enter an ORDER of discharge upon completion of all plan payments, in the above captioned case.

I HEREBY CERTIFY that on this same date a copy of this notice was sent via electronically with the Clerk of the Court using CM/ECF systems which will send notifications of such to the Chapter 13 Trustee and to all Cm/ECF system participants; and I also certify that I have mailed by United States Postal Service copy of this motion to the Debtor, Sandra Ivette Cortes Torres, HC 3 Box 11111 Gurabo PR 00778, in the above captioned case.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 16th day of August, 2018.

/s/Roberto Figueroa Carrasquillo
USDC #203614
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